

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 7, 2004**

DIVISION ONE

B158369 People (Not for Publication)

V.  
Galasion Lopez Ortiz et al.

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B170192 Los Angeles Society, et al. (Not for Publication)

V.  
Gary M. Rogers

We affirm the order denying Rogers' request for attorney fees. The parties are to bear their own costs.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

DIVISION TWO

B165498      Prachasaisoradej  
v.  
Ralphs Grocery Company

Filed order denying petition for rehearing.

October 7, 2004 (Continued)

## DIVISION TWO (Continued)

B171064      People                                (Not for Publication)  
v.  
Morrison

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The judgment is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

B176449 Southern California Edison Company (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Joshua Hild, r.p.i.)

The petition for writ of mandate is granted, the order to show cause is discharged, and the matter stay heretofore issued is dissolved. Petitioner is to recover its costs.

Boren, P.J.

We concur: Nott, J.  
Doi Todd, J.

B167753      Summers Group, Inc.      (Not for Publication)  
v.  
Grant Jones,  
Ray H. Edwards

The orders are affirmed. Summers and Edwards shall recover their costs on appeal.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

DIVISION TWO (Continued)

B173034      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 A.M.

The order is affirmed.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                 Doi Todd, J.

DIVISION THREE

B167680      People      (Not for Publication)  
                 v.  
                 Martinez, et al.

The judgments are affirmed.

Croskey, J.

We concur:    Klein, P.J.  
                 Aldrich, J.

B170797      Building Permit Consultants      (Certified for Publication)  
                 v.  
                 David Mazur, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur:    Klein, P.J.  
                 Aldrich, J.

### DIVISION THREE (Continued)

B167046 People (Not for Publication)  
v.  
Ramirez

The matter is remanded and the sentencing court is directed to pronounce judgment as to count two, thereby correcting the judgment to conform with appellant's conviction by jury of possession of a smoking device as to that count. In all other respects, the judgment is affirmed. The trial court is further directed to forward to the Department of Corrections an amended abstract of judgment.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B167530      Jehan Zeb Mir      (Not for Publication)  
v.  
Iungerich & Spackman et al.

The judgment is affirmed. The matter is remanded for further proceedings consistent with the views expressed herein. Respondents shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

## DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Grignon, J., Mosk, J. and Melvin Ashmon, Deputy Clerk.

Each of the following:

B172473 People v. Sanchez  
B174335 In Re Beverly C., et al. DCFS v. Darryl C.

DIVISION FIVE (Continued)

Each of the following (continued):

B174311 D.C.F.S. v. Luis G.

B173932 People v. Moore

B173594 People v. Jones

B172602 People v. Smith

B171864 People v. Sanchez

Argument waived, cause submitted.

B172976      Los Angeles County, D.C.F.S.  
                         v.  
                         Kevin G.

Merits:

Argued by William D. Thetford for appellant and by Roni Keller for respondent. Cause submitted.

B171891      Larian  
                         v.  
                         Larian

Merits:

Argued by Larry R. Feldman, Robert M. Turner and J. Andrew Sjoblom for appellant and by Don Howarth, Suzelle M. Smith, Brian D. Bubb and Robert D. Brain for respondent. Cause submitted.

B168000      Goldshine  
                         v.  
                         Lafferty et al.

Merits:

Argued by Ryan M. Craig and Phillip K. Fife for appellant and by Priscilla Slocum, James G. Randall, and Golareh Hamid for respondents. Cause submitted.

DIVISION FIVE (Continued)

B167557     People  
              v.  
              Gordon

Merits:

Argued by Catherine Campbell for appellant and by Susan Lee Frierson, Deputy Attorney General for respondent. Cause submitted.

B176918     Smith  
              v.  
              Superior Court, Los Angeles County  
              L'Oreal, USA, Inc.

Merits:

Argued by Avi Wagner, Cyrus Nownejad, Kevin Francis Ruf, and Lionel Z. Glancy for petitioner and by William John Campbell, Bruce A. Wagman and Bitia A. Karabian for real party in interest. Cause submitted.

Court Recessed.

Court reconvened at 11:10 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and Ashmon, Deputy Clerk.

B172907     Krantz  
              v.  
              The City of Los Angeles

Merits:

Argued by Bruce Gelber and Fred A. Taylor for appellant and by Lisa S. Berger, Deputy City Attorney for respondent. Cause submitted.

October 7, 2004 (Continued)

DIVISION FIVE (Continued)

B171768     People  
              v.  
              Matheu

Merits:  
Argued by Michael Jason Schensul for appellant and by Douglas L.  
Wilson, Deputy Attorney General for respondent. Cause submitted.

Court Recessed.

Court reconvened at 11:45 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and Melvin Ashmon, Deputy Clerk.

B174059     Los Angeles County, D.C.F.S.  
              v.  
              Maria R.

Merits:  
Argued by Donna Balderston Kaiser for appellant and by Sterling Honea,  
Deputy County Counsel for respondent. Cause submitted.

Court in Recess.

Court reconvened at 1:00 p.m

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and Ashmon, Deputy Clerk.

B173756     In Re Robert R. D.C.F.S. v. Robert R.

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B172603      Cimolino  
                 v.  
                 Toluca Lake Tennis Club

Merits:  
Argued by Thomas D. Shambaugh for appellant and by Paul L. Tetreault  
for respondent. Cause submitted.

B166433      Asileti  
                 v.  
                 California Hospital Medical Center

Merits:  
Argued by Adrian J. Guidotti for respondent. Argument previously waived  
by appellant. Cause submitted.

B174980      Talent Tree, Inc.  
                 v.  
                 Workers Compensation Appeals Board  
                 Tammy Wallerstein, Respondent

Merits:  
Argued by Areva Martin and Monique Pride for petitioner and by Mark M.  
Malter for real party in interest. Cause submitted.

Court recessed.

Court reconvened at 1:54 p.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and Melvin Ashmon, Deputy Clerk.



## DIVISION FIVE (Continued)

B172127      Tellez-Cordova, et al.  
v.  
Campbell Hausfeld/Scott Fetzer Company, et al.

Merits:

Argued by Gregory A. Coolidge for appellant and by Robert B. Leck, Hall R. Marston, Randall A. Miller, Tamra Lee Bowman, Jeffrey A. Swedo, and Scott J. Stockdale for respondents. Cause submitted.

Court adjourned at 2:35 p.m.

B171364 Jesus Valdez (Not for Publication)  
v.  
Lennox Hearth Products

The judgment in favor of Lennox Hearth is reversed, but we deem the trial court to have granted summary adjudication on the causes of action for wrongful termination based on disability and wrongful termination based on violation of public policy, and for breach of the covenant of good faith dealing, and affirm the ruling on summary judgment/summary adjudication in that respect. Each party shall bear its own costs on appeal.

Armstrong, J.

We concur:   Turner, P.J.  
                     Mosk, J.

B170631 People (Not for Publication)  
v.  
Gwendolyn Porchia

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                     Grignon, J.

October 7, 2004 (Continued)

## DIVISION FIVE (Continued)

B172805      People                                  (Not for Publication)  
v.  
Robin D. (minor)

This matter is remanded for a hearing on appellants' ability to pay the fine specified in Vehicle Code section 23536, subdivision (a). Appellant's parents must be given opportunity to show that they are unable to pay any fine. The trial court's orders are affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.  
Mosk, J.

B175629      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Barbara Mays

The trial court order is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                     Mosk, J.

## DIVISION EIGHT

B167070      Smith et al.      (Not for Publication)  
v.  
Manhattan Weight Control Medical Center, Inc., et al.

For the reasons set forth above, the judgment is affirmed. Respondents to recover their costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

October 7, 2004 (Continued)

DIVISION EIGHT (Continued)

B172442      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Patricia E.,  
In re Sergio E., a Person Coming Under the Juvenile Court Law.

The order is affirmed.

Rubin, J.

We concur:    Cooper, P.J.  
                     Flier, J.